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7 UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

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11 ANTHONY DeMARCO,
12 Plaintiff,

13 v.

14 ANDRE ROSSI, et al,
15 Defendants.
16

Case No. C07-5352RJB/JKA

ORDER ADOPTING
REPORT AND
RECOMMENDATION
AND GRANTING
SUMMARY JUDGMENT
AS TO DEFENDANT
FURST

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18 This matter comes before the court on the Report and Recommendation of Magistrate Judge Kelley
19 Arnold, United States Magistrate Judge (Dkt. 35). The court has considered the remainder of the file
20 herein.

21 Magistrate Judge Arnold has recommended that Defendant Dr. Furst is entitled to summary
22 judgment and should be dismissed as a defendant. Dkt. 35 at 3. The plaintiff is alleging he has been denied
23 adequate medical care in violation of the eighth amendment. Dkt. 5. Dr. Furst, however, attempted to aid
24 the plaintiff in receiving his medication (Ritalin). Dkt. 5 at 3g. As a result, the plaintiff's claim that he was
25 denied medical care does not pertain to Dr. Furst, who recommended the medication that the plaintiff
26 believes he was denied. *Id.* Therefore, the Report and Recommendation of Magistrate Judge Kelley
27 Arnold should be adopted and Defendant Dr. Furst dismissed as defendant.

28 Therefore, it is hereby

1 **ORDERED** that the Report and Recommendation of Judge Kelley Arnold is **ADOPTED**. Dr.
2 Furst is dismissed as a defendant in this matter. The remainder of is case is referred to United States
3 Magistrate Judge Kelley Arnold.

4 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
5 party appearing *pro se* at said party's last known address.

6 DATED this 13th day of March, 2008.

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8 
9 ROBERT J. BRYAN
United States District Judge